



CAROL J. THOMAS STENOTYPE
REPORTING SERVICES, INC.
3162 MUSKET COURT
FAIRFAX, VIRGINIA 22030

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September 9, 1992

MS. LAVERA MARSHALL, CHIEF
DOCKETS BRANCH
FEDERAL COMMUNICATIONS COMMISSION
1919 M STREET, NORTHWEST, ROOM 230
WASHINGTON, D.C. 20054

RE: FEDERAL COMMUNICATIONS COMMISSION
DOCKET NUMBER: 92-35
CITY and STATE: PARRISH, ALABAMA

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SECRETARY

Dear Ms. Marshall:

Enclosed please find the corrected pages 100, 120, 141, 163, 164, 166, 205, 215 and 224 as outlined in the orders dated AUGUST 6, 1992, copies of which are also enclosed. Please insert the enclosed pages into the original and copies of the above-captioned transcript.

A copy of this letter will be retained in our files. If you should have any questions regarding these pages, please do not hesitate to contact this office.

Very truly yours,

Carol J. Thomas

Carol J. Thomas

CJT:hcb

Enclosures

cc: MR. JIMMY D. BROWN
MS. DONNA R. SEARCEY

1 JUDGE SIPPEL: I think for purposes of making the
2 record, though, it's good to have them marked and received,
3 and it won't be too burdensome if we are prepared to go for
4 that.

5 MS. LADEN: Pardon me, Your Honor? I have a cold,
6 and I'm having a lot of trouble hearing.

7 JUDGE SIPPEL: Let's go off the record for a
8 moment.

9 (A discussion was held off the record.)

10 JUDGE SIPPEL: Let's take a five-minute recess.
11 I'm going to have somebody come in here and turn that off.

12 (A brief recess was taken.)

13 JUDGE SIPPEL: Let's go back on the record. We
14 are back on the record, and we have eliminated the noise
15 interference in the courtroom.

16 You do understand what did transpire thus far,
17 don't you, Mr. Brown? The Bureau has introduced the
18 documents.

19 MR. BROWN: Yes, sir.

20 JUDGE SIPPEL: And you have had a copy of those
21 documents?

22 MR. BROWN: Yes, sir.



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1 the--simultaneously.

2 JUDGE SIPPEL: That's good to hear. I mean I'm
3 glad to hear that clarification because I might have been
4 thinking otherwise.

5 MS. LADEN: That's right. And Your Honor, I can
6 categorically state for the record that this document was
7 sent to two other addresses, including the Hernando address.
8 In fact the first page, the page that preceded it, may in
9 fact be, have contained the same document for all I know,
10 Your Honor.

11 JUDGE SIPPEL: That's speculative. We don't need
12 to get into that yet, but you're offering this
13 evidence--let's stick to the, what we are trying to
14 accomplish here today. You have offered this into evidence,
15 and the Bureau is telling me now with her explanation that
16 she has no objection to it, so we are going to receive it
17 into evidence, and we can talk about it later. We can have
18 all kinds of opportunities to talk about it.

19 MR. BROWN: Yes, sir.

20 JUDGE SIPPEL: So my ruling is page No. 3 of Brown
21 Exhibit No. 1 for identification is received in evidence at
22 this time as page 3 of Brown Exhibit No. 1.



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1 MS. LADEN: I don't object to the notes. I object
2 to the envelope because I don't know when or where this
3 envelope came from or what was in it or what the date was.
4 I object to the envelope.

5 Now the note, I think there are several notes here
6 that are relevant, and I have some questions about them
7 later on, so I believe subject to cross, that I have no
8 problem with this, but I would object to the envelope as
9 showing anything because I don't know what the envelope came
10 from or when.

11 JUDGE SIPPEL: All right. Well, and I asked you
12 this question once before--what is your best recollection as
13 to what was inside this envelope?

14 Don't try and reconstruct it now. Either you
15 recall or you don't recall.

16 MR. BROWN: I don't recall, Your Honor.

17 JUDGE SIPPEL: Okay. All right. Well, I'm going
18 to receive it for two purpose. I'm going to receive it for
19 the purpose of again your general theory of relevance here,
20 that it's something the Commission sent to you that you
21 received, and in addition to that, your relevant testimony
22 with respect to your notations and of what you have thus far



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1 schematic drawing of a proposed tower, is also received in
2 evidence, and that again cross-references to an earlier
3 exhibit.

4 (Brown Exhibit No. 2, pages
5 2 & 3 were received into
6 evidence.)

7 MS. LADEN: Your Honor, for the record, I did want
8 to make clear that we have been unable to locate this
9 document in the license file for WKIJ, but it is referred to
10 as you indicated in a response by the Commission.

11 JUDGE SIPPEL: All right. Mr. Brown, did you want
12 to add anything to that?

13 MR. BROWN: No, Your Honor, other than when I sent
14 this, I believe I sent three copies, which is what the
15 Commission requires, Your Honor.

16 JUDGE SIPPEL: I hear you. All right. We are
17 into Exhibit No. 4, and this is just a one-page document, is
18 that correct?

19 MR. BROWN: Yes, sir.

20 JUDGE SIPPEL: Which is a hand note of a telephone
21 conversation, is that correct?

22 MR. BROWN: Yes, sir.



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1 JUDGE SIPPEL: Let's start by having again the
2 numbering procedures on this exhibit. The cover sheet,
3 which is Exhibit No. 4, will be marked as page No. 1, and
4 the one-page handwritten note will be page No. 2 of Exhibit
5 4, and there being no contest with respect to the cover
6 sheet--

7 MS. LADEN: Your Honor, I have an objection with
8 respect to the cover sheet.

9 JUDGE SIPPEL: All right. Let's hear it.

10 MS. LADEN: The cover sheet describes the
11 conversation and says that there was no mention of being off
12 the air and other things.

13 The notes don't indicate that. The cover sheet is
14 unknown, and even if it were, we would object as hearsay.

15 JUDGE SIPPEL: I hear you. What is your response
16 to that, Mr. Brown?

17 MR. BROWN: Again, that we were communicating with
18 the Commission.

19 JUDGE SIPPEL: All right. I hear you. What I'm
20 prepared to do is receive the cover sheet in up to the point
21 where it talks, where it mentions with May Bradfield at the
22 FCC, and I would strike the rest of it, everything after



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1 fee form of a hundred dollars.

2 JUDGE SIPPEL: I understand what you're saying,
3 but I don't think, there isn't any--the Bureau is not
4 contesting the fact you have got a 90-day extension. Isn't
5 that correct? I mean it is not an issue.

6 MR. BROWN: I am not meaning that, Your Honor.
7 All I'm saying is that, I just I wanted to show you that,
8 that's what we, this, this shows that we were communicating
9 again with the Commission.

10 JUDGE SIPPEL: All right. I'm going to ask Ms.
11 Laden again just briefly respond to what he said.

12 MS. LADEN: For that limited purpose, I suppose I
13 have no objection.

14 I don't--I have a letter here, Mass Media Bureau
15 Exhibit 7, May 16, 1991, which talks about a telephone
16 conversation December 18, 1990, talks about a letter from
17 Mr. Brown of April 25, 1991, which is Mass Media Bureau
18 Exhibit 6, but I, you know, as I said, I don't think it's
19 probative, but I suppose for whatever weight Your Honor
20 wants to give it, I have no objection.

21 JUDGE SIPPEL: All right. For the limited purpose
22 that Mr. Brown is offering it, I will receive it into



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1 information was earlier than April?

2 MR. BROWN: It could have been. I'm not sure,
3 Your Honor, exactly. It could have been March when I, when
4 that took place. I just don't remember, but that was the
5 first knowledge I knew, and then I didn't get anything--all
6 this information from Ms. Laden came to, to 4002 McIngvale
7 Road, Hernando, after I had called to ask why the license
8 were to be revoked because I didn't know, and it surprised
9 me when Mr. Frost told me. I said no, that can't be,
10 because I have, I have had no, they have never sent me
11 anything to tell me that they were going to be revoked if I
12 didn't do something.

13 JUDGE SIPPEL: What were you working on at that
14 time? What are you working on with Mr. Frost?

15 MR. BROWN: We were working on power increase.

16 JUDGE SIPPEL: The new site?

17 MR. BROWN: At the new site; Mr. Frost and a
18 couple of other businessmen wanted to barter the time from
19 me of the station, and they wanted to program it Christian
20 programming, and that's the reason Mr. Frost was working
21 with me. We were trying to get the station on the air, and
22 that's the reason he was working with me, and then when he



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1 on it a little while, we would do something else, and
2 putting all this together takes quite a bit of time to get
3 all this information together, and of course we had to move
4 the tower. That was another thing we had to do. And we had
5 to, in the--this was in the wintertime, and the weather, it
6 was rain, and we, when we went to pour the anchor bases for
7 the tower, we had to pump the water out of the holes, and
8 then one time we were going to do it, it was too cold. They
9 wouldn't deliver the concrete, so there was all kind of
10 holdbacks and glitches that we ran into along the way in
11 this process.

12 This is late '90 and '91 that we were working on
13 all this, and then we were just--when Mr. Frost came along,
14 maybe before the end of the year of '91 and asked about
15 bartering the time for the station, we really were jumping
16 into high gear to get everything done as soon as possible,
17 and then we had the wintertime came on and then we had some
18 drawbacks there, and then the, then this revocation thing
19 came up, and that's when we, we just kind of stopped. We
20 just stopped when they came up because we didn't know what
21 to do.

22 JUDGE SIPPEL: All right. Well, for fear of



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1 JUDGE SIPPEL: Ms. Laden?

2 BY MS. LADEN:

3 Q. Yes. Mr. Brown, if you would look at Mass Media
4 Bureau Exhibit 18, that is the Commission's order placing
5 the AM, the freeze on filing of AM applications, is it not?

6 A. Yes, ma'am.

7 Q. If you look at exhibit--at paragraph 3?

8 A. Yes, ma'am. I see it.

9 Q. Isn't it a fact there are certain categories of
10 applications that they will accept even under the freeze?

11 A. I believe this to be true.

12 Q. And at subparagraph (3), do you see that they will
13 accept applications for minor changes necessitated by causes
14 beyond the control of the applicants?

15 A. Yes, I see that.

16 Q. "e.g., unavoidable loss of a transmitter site or
17 compliance with FAA regulations"?

18 A. I see that.

19 Q. Would WKIJ have been able to file an application
20 for a minor modification for an unavoidable loss of a
21 transmitter site?

22 A. We could have, but under the circumstances, what



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